

REMARKS

The Office Action of November 1, 2007, has been carefully considered. Claim 43 is herein amended to include limitations that the small end of the holder includes a holder engaging feature, the connecting portion of the breast cup includes a cup engaging feature, and that the engaging features cooperate to hold the breast cup on the holder. New Claims 64 and 65 are added which include all the limitations of the previous Claim 43, with Claim 64 adding a limitation that the cylindrical middle area of the breast cup is in fluid communication with the vacuum source through the connecting portion and upon the application of vacuum collapses thereby mimicking the suckling of an infant. and Claim 65 adding details of the connection of the connecting portion to the vacuum source. The Applicant believes that Claim 43, 64, and 65 are clearly distinguishable over Beer.

Rejections Based on 35 USC § 102

The Examiner has rejected Claims 43 and 46-54 under 35 USC § 102 as anticipated by Beer. Claim 43 is herein amended to include:

a connecting portion residing proximal to the bottle attachment end of the breast cup assembly and including a cup engaging feature engaged by the holder engaging feature of the small end of the holder for retaining the breast cup in the holder

Beer discloses a breast cup with a helmet-shaped transverse end wall section 144 of thimble 147. The transverse end wall section 144 of Beer does not engage or even contact the suction bell portion 112 of Beer. Because Beer does not disclose engaging features described in Claim 43, the Applicant believes that the amended claim 43 is in condition for allowance and respectfully requests that the Examiner withdraw the rejection of Claim 43 and advance Claim 43 to allowance.

Claims 44-54 depend from Claim 43. Because the Applicant believes that Claim 43 is in condition for allowance, the Applicant also believes that Claims 44-54 are in condition for allowance and respectfully requests that the Examiner withdraw the rejections and objections to Claims 44-54 and advance Claims 44-54 to allowance.

New Claims

New Claim 64 includes all the limitation of Claim 43 as entered in the amendment filed August 11, 2007 and includes additional limitations that the cylindrical middle area is in fluid communication with the vacuum source through the connecting portion and collapsibly resides inside the holder while remaining in fluid communication with the vacuum source. Column 6 lines 20-27 of Beer discloses:

"Wall 142 of thimble 147, on the other hand, is sealingly connected with suction bell portion 112 so that a temporary reduction of pressure within pump 10 (FIG. 1A) will also reduce the pressure within enclosure 149 due to milk passages 19 provided in the helmet-shaped transverse end wall section 144 of thimble 147 if wall section 141 of funnel 143 forms a sealing connection 17 with breast B."

A fundamental difference between Beer and the present invention is that the cylindrical middle portion of Beer (the thimble 147) necessarily provides a seal with the tubular suction bell portion 112, whereby suction is communicated from the pump to the breast cup of Beer. The cylindrical middle area of the present invention collapsibly resides inside the holder to allow the cylindrical middle area to collapse around the teat to provide a controlled collapse replicating the mechanical forces of a suckling infant and causes the expression of milk in a more efficient and comfortable manner (see paragraph 0054 of the original application). If the cylindrical middle portion of Beer collapsed, suction would be lost, and the breast pump of Beer would not function. Because Claim 64 describes a collapsible cylindrical middle area, and Beer describes a sealing cylindrical middle portion, the Applicant believes that Claim 64 includes

patentable subject matter and respectfully requests that the Examiner advance Claim 64 to allowance.

New Claim 65 includes all the limitation of Claim 43 as entered in the amendment filed August 11, 2007 and additionally includes:

connecting portion residing proximal to the bottle attachment end of the breast cup assembly and supported by the small end of the holder; the connecting portion receiving a hollow male extension connecting the breast cup to the vacuum source

Beer discloses a cylindrical middle portion which seals with the tubular suction bell portion, whereby suction is communicated from the pump to the breast cup of Beer. Because Beer does not disclose a connecting portion receiving a hollow male extension connecting the breast cup to the vacuum source, the Applicant believes that Claim 65 includes patentable subject matter and respectfully requests that the Examiner advance Claim 65 to allowance.

CONCLUSIONS

Claims 43-63 remain pending in the application. Previously withdrawn Claims 1-21 have been cancelled. Claim 43 is herein amended to place in condition for allowance. New Claims 64-65 have been added. Applicant respectfully requests that the Examiner advance Claims 43-65 to allowance.

Respectfully submitted,

/ K. L. Green /

Kenneth L. Green
Attorney for Applicant
Reg. No. 44,724

Averill & Varn
8244 Painter Avenue
Whittier, CA 90602
(562) 698-8039